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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,574	08/22/2003	Edward McNulty	MCN003	8234
7590	08/08/2005		EXAMINER	
DIEDERIKS & WHITELAW, PLC 12471 Dillingham Square, # 301 Woodbridge, VA 22192				BLAKE, CAROLYN T
		ART UNIT	PAPER NUMBER	3724

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/645,574	MCNULTY, EDWARD
	Examiner Carolyn T. Blake	Art Unit 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19, 22 and 23 is/are pending in the application.  
 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.  
 5) Claim(s) 22 and 23 is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) 10-12 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

1. This action is in response to applicant's amendment received on June 23, 2005.
2. The objection to the drawings is withdrawn in view of the amendment.
3. The objection to the specification is withdrawn in view of the amendment.
4. The rejection to claim 2 under 35 USC § 112 is withdrawn in view of the amendment.
5. The text of those sections in Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

6. Claims 2-9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Toepfinger (3,062,299).

Regarding claim 2, Toepfinger discloses a cutting head system adapted to be rotated in order to trim around a head cover (48) having a head cap provided with a centering member (12/30) comprising: a head member (10) having a peripheral edge portion interconnected to a central hub (connection of arms/"webs" 54) through an intermediate web portion (54), said head member (10) being adapted to extend about a head cover (48); a cutting element (50) projecting from the peripheral edge portion of the head member (10); a drive shaft member (14) having a driven end portion extending to a driving end portion, said driving end portion being drivingly connected to the head member (10); a centering element housing (28) extending into the head member (10), said centering element housing (28) having a first end secured to the head member (10), a second end, and a hollow cylindrical main body portion extending there between;

and a centering element (12/30) extending within the head member (10) and projecting beyond the cutting element (50), said centering element (12/30) being adapted to engage with the centering member of the head cap (48) to center the head member (10) about the head cover such that, upon application of a driving force to the driven end portion of the drive shaft (14), the head member rotates about the head cover (48) causing the cutting element to trim grass growing around the head cover (48).

Regarding claim 3, Toepfinger discloses the centering member is constituted by a recess provided along the head cap (48). See the space around the head cap (48) in FIG 2.

Regarding claim 4, Toepfinger discloses the head member (10) includes an outer peripheral side portion leading to the intermediate web portion (54) that tapers upwardly and extends to the central hub (30).

Regarding claim 5, Toepfinger discloses the intermediate web portion (54) includes a plurality of vent opening wherein, upon application of the driving force to the drive shaft (14), said vent opening create an airflow to expel grass under the head member (10).

Regarding claim 6, Toepfinger discloses a spring member (20), said centering element (12/30) being retractably mounted within the head member (10), with the spring member (20) biasing the centering element (12/30) outward from the head member (10).

Regarding claim 7, Toepfinger discloses a bearing element (22) mounted within the centering element housing (28); and a centering element retainer (34) supported

within the centering element housing (28) through the bearing element, said centering element retainer (34) retractably positioning the centering element (12/30) within the centering element housing (28) being adapted to rotate relative to the centering element (12/30).

Regarding claim 8, Toepfinger discloses the head member (10) is detachably mounted in the driven end portion of the drive shaft (14).

Regarding claim 9, Toepfinger discloses the cutting element (50) is constituted by a substantially circular cutting blade, said cutting blade being detachably secured to the peripheral edge portion of the head member (10).

Regarding claim 13, Toepfinger discloses the head cover (48) constitutes a sprinkler head cover.

***Allowable Subject Matter***

7. Claims 22 and 23 are allowed.
8. Claims 10-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.
10. Applicant's arguments, see pages 12 and 13, filed June 23, 2005, with respect to claim 10 have been fully considered and are persuasive. The rejection of claims 10-12 has been withdrawn.

**Conclusion**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB  
August 4, 2005

*aln*  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700